

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALEXANDER STYLLER, INTEGRATED
COMMUNICATIONS & TECHNOLOGIES
INC., JADE CHENG, JASON YUYI,
CATHY YU, CAROLINE MARAFAO
CHENG, PUSHUN CHENG, CHANGZHEN
NI, JUNFANG YU, MEIXIANG CHENG,
FANGSHOU YU, AND CHANGHUA NI

Plaintiffs,

v.

HEWLETT-PACKARD FINANCIAL
SERVICES COMPANY, HEWLETT-
PACKARD FINANCIAL SERVICES
(INDIA) PRIVATE LIMITED, HP INC.,
HEWLETT PACKARD ENTERPRISE
COMPANY, AND DAVID GILL,

Defendants.

Civil Action No. 1:16-CV-10386 (LTS)

**DECLARATION OF LUKE NIKAS IN OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

I, Luke Nikas, Esq., a member of the New York State Bar admitted *pro hac vice* to the Bar of this Court, declare as follows:

1. I am an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP. I, along with my colleagues, represent Plaintiffs in the above-captioned litigation. I submit this declaration in opposition to Defendants' Motion for Summary Judgment.
2. Attached hereto as **Exhibit 1** is a true and correct copy of Hewlett-Packard Company's ("HP") Schedule 14A Proxy Statement regarding HP's acquisition of 3Com Corporation, filed with the Securities and Exchange Commission ("SEC") on November 9, 2009, and available at <https://sec.gov/Archives/edgar/data/0000047217/00011046590906>.

3. Attached hereto as **Exhibit 2** is a true and correct copy of an email exchange between Ryan Quinn and Alexander Styller from October 24, 2010, attaching the registration for Plaintiff Integrated Communications & Technologies, Inc.’s (“ICT”) Representative Office in China,” bearing bates range beginning ICT0256680.
4. Attached hereto as **Exhibit 3** is a true and correct copy of the publicly available criminal law of the People’s Republic of China.
5. Attached hereto as **Exhibit 4** is a true and correct copy of an email dated March 25, 2011 from Bevan Goodwin to Tom Harris, bearing bates range beginning DEF0000939.
6. Attached hereto as **Exhibit 5** is a true and correct copy of an email chain dated April 28, 2011 between Ryan Quinn, Alex Styller, and Jade Cheng, bearing bates range ICT0569088-95.
7. Attached hereto as **Exhibit 6** is a true and correct copy of a spreadsheet purportedly relating to the equipment returned to Defendants after lease for use in the Commonwealth Games (the “CWG Goods”), bearing bates range DEF0000546 (the “Master List”).
8. Attached hereto as **Exhibit 7** is a true and correct copy of an email dated June 14, 2011 from Alexander (“Mike”) Pekar to Alex Styller, bearing bates range beginning ICT0002192.
9. Attached hereto as **Exhibit 8** is a true and correct copy of an email chain between Bevan Goodwin, Tom Harris and others from June 15, 2011, bearing bates range beginning DEF0000962.
10. Attached hereto as **Exhibit 9** is a true and correct copy of an email chain between Bevan Goodwin, Manoj Kanodia, and others from July 26, 2011, bearing bates range beginning DEF0000984.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email dated August 16, 2011, from Scott McKenzie of HP's Global Trade division to Edward Chin, bearing bates range beginning DEF0000989.
12. Attached hereto as **Exhibit 11** is a true and correct copy of an email drafted by JT Silvestri dated August 18, 2011, bearing bates number DEF0002342.
13. Attached hereto as **Exhibit 12** is a true and correct copy of the Master Service Agreement between Defendant Hewlett-Packard Financial Services ("HPFS") and TT-Global, Ltd. ("TTG"), bearing bates range beginning DEF0001141.
14. Attached hereto as **Exhibit 13** is a true and correct copy of an email chain between Alex Pekar and JT Silvestri dated September 12, 2011, bearing bates range beginning DEF0001529.
15. Attached hereto as **Exhibit 14** is a true and correct copy of an email from Alex Styller to Jade Cheng dated September 26, 2011, bearing bates number ICT0031431.
16. Attached hereto as **Exhibit 15** is a true and correct copy of an email from Jade Cheng to Alex Styller and Ryan Quinn, dated October 14, 2011, bearing bates range ICT0231244-45.
17. Attached hereto as **Exhibit 16** are true and correct copies of the agreements between ICT, Shinto Creative Elements Private Limited ("Shinto"), and HPFS (India), including the Wholesale Sale Agreement, the Shinto Purchase Order, and the Referral and Revenue Share Agreement dated December 6, 2011, bearing bates range beginning DEF0002553.
18. Attached hereto as **Exhibit 17** is a true and correct copy of the Purchase Order between ICT and Shinto dated December 6, 2011, bearing bates range ICT0002982-83.
19. Attached hereto as **Exhibit 18** is a true and correct copy of an email chain between Mike Pekar and various HPFS personnel from December 2011, bearing bates range DEF0001960-65.

20. Attached hereto as **Exhibit 19** is a true and correct copy of an email dated December 22, 2011 from Jim O'Grady to various HPFS employees, bearing bates range beginning DEF0001673.
21. Attached hereto as **Exhibit 20** is a true and correct copy of an email chain between Alex Styller, Ryan Quinn, and Mike Pekar date May 4, 2012, bearing bates range beginning ICT0028659.
22. Attached hereto as **Exhibit 21** is a true and correct copy of an email chain between Alex Styller and Ryan Quinn dated September 23, 2012, bearing bates range beginning ICT0771855.
23. Attached hereto as **Exhibit 22** is a true and correct copy of an email chain between Ryan Quinn and Alex Styller dated September 24, 2012, bearing bates range beginning ICT0559934.
24. Attached hereto as **Exhibit 23** is a true and correct copy of emails from Ryan Quinn to Alex Styller dated September 25, 2012 and containing email attachments, bearing bates range beginning ICT0222023.
25. Attached hereto as **Exhibit 24** is a true and correct copy of an email chain between Ryan Quinn and Alex Styller dated September 29, 2012, bearing bates range beginning ICT0604481.
26. Attached hereto as **Exhibit 25** is a true and correct copy of an email chain between Mark Rashid, Edward Chin, and Tom Harris dated October 9, 2012, bearing bates range beginning DEF0002890.
27. Attached hereto as **Exhibit 26** is a true and correct copy of an email chain between Edward Chin and Tom Harris dated October 10, 2012, bearing bates range beginning DEF0001109.
28. Attached hereto as **Exhibit 27** is a true and correct copy of an email chain between Tom Harris and Kevan Bartley dated October 10, 2012, bearing bates range beginning DEF0001113.
29. Attached hereto as **Exhibit 28** is a true and correct copy of an email between Tom Harris, Edward Chin, and other HPFS personnel dated October 10, 2012, bearing bates range DEF0001117.

30. Attached hereto as **Exhibit 29** is a true and correct copy of an email chain between Edward Chin and Tom Harris, dated October 17, 2012, and bearing bates range beginning DEF0001120.
31. Attached hereto as **Exhibit 30** is a true and correct copy of the list of the unsold CWG Goods in PDF form, dated November 7, 2012, bearing bates range beginning DEF0002386.
32. Attached hereto as **Exhibit 31** is a true and correct copy of H3C's appraisal report December 9, 2012 and submitted to the Beijing Public Security Bureau ("PSB"), bearing bates number DEF0002568.¹
33. Attached hereto as **Exhibit 32** is a true and correct copy of H3C's appraisal report submitted to the PSB dated December 9, 2012, bearing bates number ICT0789736.
34. Attached hereto as **Exhibit 33** is a true and correct copy of a document from the PSB's case dated December 9, 2012, bearing bates number ICT0001984.
35. Attached hereto as **Exhibit 34** is a true and correct copy of a document from the Chinese authorities' case file dated December 9, 2012, bearing bates number ICT0001998.
36. Attached hereto as **Exhibit 35** is a true and correct copy of a document from the Chinese authorities' case file dated December 9, 2012, bearing bates number ICT0001999.
37. Attached hereto as **Exhibit 36** is a true and correct copy of a document from the Chinese authorities' case file dated December 9, 2012, bearing bates number ICT0002020.
38. Attached hereto as **Exhibit 37** is a true and correct copy of a document from the Chinese authorities' case file dated December 9, 2012, bearing bates number ICT0002033.
39. Attached hereto as **Exhibit 38** is a true and correct copy of H3C's Petition submitted to the PSB dated December 9, 2012, bearing bates range ICT0789856-57.

¹ All Mandarin documents have been filed with certified English translations.

40. Attached hereto as **Exhibit 39** is a true and correct copy of H3C's Petition submitted to the PSB dated December 9, 2012, bearing bates ranges ICT0018135-36 and ICT0802104-05.
41. Attached hereto as **Exhibit 40** is a true and correct copy of an email from Mike Pekar to Alex Styller dated December 24, 2012, bearing bates range beginning ICT0001269.
42. Attached hereto as **Exhibit 41** is a true and correct copy of an email from Mike Pekar to Ryan Quinn dated December 24, 2012, bearing bates range beginning ICT0714984.
43. Attached hereto as **Exhibit 42** is a true and correct copy of a letter written by H3C in the PSB's case file dated December 27, 2012, bearing bates range beginning ICT0789796.
44. Attached hereto as **Exhibit 43** is a true and correct copy of an email from Mike Pekar to Ryan Quinn dated December 27, 2012, bearing bates range beginning ICT0794147.
45. Attached hereto as **Exhibit 44** is a true and correct copy of an email chain between Alex Styller and Ryan Quinn dated December 29, 2012, bearing bates range ICT0556440-41.
46. Attached hereto as **Exhibit 45** is a true and correct copy of a phone record from the PSB's case file dated January 10, 2013, bearing bates range beginning ICT0789798.
47. Attached hereto as **Exhibit 46** is a true and correct copy of a letter from the People's Procuratorate of Haidian District Beijing (the "prosecutor") to the PSB, dated January 16, 2013, bearing bates range ICT0802102-03.
48. Attached hereto as **Exhibit 47** is a true and correct copy of an email from Ryan Quinn to JT Silvestri dated January 31, 2013, bearing bates range DEF0002023-26.
49. Attached hereto as **Exhibit 48** are true and correct copies of excerpts from the package of documents Alexander Styller sent to the Chinese Authorities in February 2013, bearing bates ranges beginning ICT0801637, ICT0801647, ICT0801660, ICT0801714, ICT0801643, ICT0801659, ICT0801668, and ICT0801734.

50. Attached hereto as **Exhibit 49** is a true and correct copy of an email chain between David Gill and Alex Styller dated February 25, 2013, bearing bates range beginning DEF0001382.
51. Attached hereto as **Exhibit 50** is a true and correct copy of an investigation note in the PSB's case file dated March 2, 2013, bearing bates number ICT0789800.
52. Attached hereto as **Exhibit 51** is a true and correct copy of an email chain between Alex Styller and David Gill dated March 12, 2013, bearing bates range beginning DEF0002573.
53. Attached hereto as **Exhibit 52** is a true and correct copy of an email from David Gill to Alex Styller dated March 14, 2013, containing a .jpg email attachment, bearing bates range beginning ICT0003419.
54. Attached hereto as **Exhibit 53** is a true and correct copy of David Gill's .jpg email attachment in Exhibit 52, bearing bates number DEF0002576.
55. Attached hereto as **Exhibit 54** is a true and correct copy of a letter from the PSB to the prosecutor dated March 14, 2013, bearing bates range ICT0789740-41.
56. Attached hereto as **Exhibit 55** is a true and correct copy of an email chain between David Gill and Alex Styller dated March 14, 2013 through March 18, 2013, bearing bates range beginning DEF0002115.
57. Attached hereto as **Exhibit 56** is a true and correct copy of an email chain between David Gill and Alex Styller dated March 19, 2013, bearing bates range DEF0001406-14.
58. Attached hereto as **Exhibit 57** is a true and correct copy of an email chain between David Gill and Alex Styller dated March 20, 2013, bearing bates range DEF0001421-23.
59. Attached hereto as **Exhibit 58** is a true and correct copy of an email chain between Kevan Bartley of HPFS and Ricky Fung of TTG dated March 21, 2013, bearing bates range DEF0002136-41.

60. Attached hereto as **Exhibit 59** is a true and correct copy of a draft of David Gill's letter to the PSB dated March 25, 2013, bearing bates range beginning DEF0001431.
61. Attached hereto as **Exhibit 60** is a true and correct copy of a letter from HP China to the PSB dated April 2, 2013, bearing bates number ICT0789802.
62. Attached hereto as **Exhibit 61** is a true and correct copy of an email chain between David Gill and ICT's attorney, Les Riordan, dated April 3, 2013, bearing bates range DEF0002147-49.
63. Attached hereto as **Exhibit 62** is a true and correct copy of a screenshot of a blank appraisal report template dated April 17, 2013, bearing bates number DEF0002587.
64. Attached hereto as **Exhibit 63** are true and correct copies of English translations of a letter written by H3C and submitted to the PSB, bearing bates numbers ICT0002094, ICT0259193, ICT0734766, and ICT0791783 ("H3C Cover Letter").
65. Attached hereto as **Exhibit 64** is a true and correct copies of the original, Mandarin-language H3C Cover Letter, bearing bates numbers ICT0734765, ICT0791782 .and ICT0259192.
66. Attached hereto as **Exhibit 65** is a true and correct copy of the H3C Cover Letter dated May 2, 2013, bearing bates number ICT0018060.
67. Attached hereto as **Exhibit 66** is a true and correct copy of an email chain between Kevan Bartley, Ross West, and Jim O'Grady dated May 10, 2013, bearing bates range beginning DEF0001843.
68. Attached hereto as **Exhibit 67** is a true and correct copy of an email chain between David Gill and Les Riordan dated May 21, 2013, bearing bates range DEF0001511-15.
69. Attached hereto as **Exhibit 68** is a true and correct copy of the PSB's Interrogation of Wang You, dated May 23, 2013, bearing bates range ICT0789807-09.

70. Attached hereto as **Exhibit 69** is a true and correct copy of the PSB's Interrogation of Wang You, dated May 23, 2013, bearing bates range ICT0018035-37.
71. Attached hereto as **Exhibit 70** is a true and correct copy of an email correspondence from June 2013 between Alex Styller and Ma Li, Cathy Yu's Chinese defense attorney, bearing bates range beginning ICT0793330.
72. Attached hereto as **Exhibit 71** is a true and correct copy of one page of a report submitted to the PSB, bearing bates number ICT0001995.
73. Attached hereto as **Exhibit 72** are true and correct copies of Jade Cheng, Cathy Yu, and Jason Yuyi's ("Individual Plaintiffs") letters from the prosecutor releasing them from detention dated July 18, 2013, bearing bates numbers ICT0789756, ICT0789758, and ICT0789760 (the "Bail Letters").
74. Attached hereto as **Exhibit 73** is a true and correct copy of Jade Cheng's Rights and Obligations while Released on Bail, dated July 18, 2013, bearing bates number ICT0789762.
75. Attached hereto as **Exhibit 74** are true and correct copies of correspondence from Defendants' outside counsel, G. Daniel McCarthy, to ICT's counsel, Les Riordan.
76. Attached hereto as **Exhibit 75** is a true and correct copy of an email chain between Kevan Bartley and Tin Fou dated December 10, 2013, bearing bates range beginning DEF0001330.
77. Attached hereto as **Exhibit 76** is a true and correct copy of ICT's transaction-level sales data in China from January 2012 to January 2013, bearing bates number ICT0783078.
78. Attached hereto as **Exhibit 77** is a true and correct copy of ICT's Profit and Loss statement from 2010 through December 2013, bearing bates number ICT0783077.
79. Attached hereto as **Exhibit 78** is a true and correct copy of an email from Jade Cheng to Alex Styller and Ryan Quinn dated July 16, 2014, bearing bates number ICT0532121.

80. Attached hereto as **Exhibit 79** are true and correct copies of the prosecutor's "Decision on Relief of Bail Pending Trial" for the Individual Plaintiffs dated July 17, 2014, bearing bates numbers ICT0789768, ICT0789770, ICT0789772.
81. Attached hereto as **Exhibit 80** is a true and correct copy of a publicly available press release from U.S. Department of Justice entitled "[HP] Russia Pleads Guilty to and Sentenced for Bribery of Russian Government Officials," dated September 11, 2014, available at <https://www.justice.gov/opa/pr/hewlett-packard-russia-pleads-guilty-and-sentenced-bribery-russian-government-officials>.
82. Attached hereto as **Exhibit 81** is a true and correct copy of Jade Cheng's notarized No Crime Letter dated December 24, 2015, bearing bates number ICT0789775.
83. Attached hereto as **Exhibit 82** is a true and correct copy of Jason Yuyi's notarized No Crime Letter dated May 4, 2016, bearing bates range beginning ICT0789786 and ICT0789788.
84. Attached hereto as **Exhibit 83** is a true and correct copy of a phone record from the PSB's case file dated August 5, 2016, bearing bates range beginning ICT0789840.
85. Attached hereto as **Exhibit 84** is a true and correct copy of relevant transcript excerpts from the deposition of Plaintiffs' counterfeiting expert, Xuanlai Fang, taken on February 3, 2020.
86. Attached hereto as **Exhibit 85** is a true and correct copy of relevant transcript excerpts from the deposition of Defendants' counterfeiting expert, Shelley Raina, taken on February 5, 2020.
87. Attached hereto as **Exhibit 86** is a true and correct copy of a publicly available SEC Press Release entitled, "SEC Charges HP Inc. With Disclosure Violations and Control Failures," dated September 30, 2020, available at <https://www.sec.gov/news/press-release/2020-241>.
88. Attached hereto as **Exhibit 87** is a true and correct copy of the relevant transcript excerpts from the deposition of Kevan Bartley, taken on November 6, 2020.

89. Attached hereto as **Exhibit 88** is a true and correct copy of ICT's publicly available Massachusetts business entity summary on the website of the Secretary of the Commonwealth, available at <https://corp.sec.state.ma.us/corpweb/CorpSearch/CorpSearch.aspx>.
90. Attached hereto as **Exhibit 89** is a true and correct copy of relevant transcript excerpts from the deposition of Tom Harris, taken on October 30, 2020.
91. Attached hereto as **Exhibit 90** is a true and correct copy of relevant transcript excerpts from the deposition of David Gill, taken on November 4, 2020.
92. Attached hereto as **Exhibit 91** is a true and correct copy of relevant transcript excerpts from the deposition of Alexander Styller, taken on November 11, 2020.
93. Attached hereto as **Exhibit 92** is a true and correct copy of relevant transcript excerpts from the deposition of Stuart Patterson, taken on November 12, 2020 and February 11, 2021.
94. Attached hereto as **Exhibit 93** is a true and correct copy of relevant transcript excerpts from the deposition of Plaintiff Cathy Yu, taken on January 18, 2021 and January 19, 2021.
95. Attached hereto as **Exhibit 94** is a true and correct copy of relevant transcript excerpts from the deposition of Plaintiff Jade Cheng, taken on November 10, 2020 and January 29, 2021.
96. Attached hereto as **Exhibit 95** is a true and correct copy of relevant transcript excerpts from the deposition of Mike Pekar, taken on January 14, 2021 and January 25, 2021.
97. Attached hereto as **Exhibit 96** is a true and correct copy of relevant transcript excerpts from the 30(b)(6) deposition of Defendants' corporate representative, Kevan Bartley, taken on January 27, 2021.
98. Attached hereto as **Exhibit 97** is a true and correct copy of the Supplemental and Rebuttal Report of Defendants' Chinese law expert, Laura Wen-yu Young, dated April 1, 2021.

99. Attached hereto as **Exhibit 98** is a true and correct copy of the Affidavit of Ma Li, Cathy Yu's Chinese defense attorney, dated May 12, 2021.
100. Attached hereto as **Exhibit 99** is a true and correct copy of relevant transcript excerpts from the deposition of Plaintiffs' Chinese law expert, Dan Chow, taken on May 20, 2021.
101. Attached hereto as **Exhibit 100** is a true and correct copy of relevant transcript excerpts from the deposition of Defendants' Chinese law expert, Laura Wen-yu Young, taken on May 25, 2021.
102. Attached hereto as **Exhibit 101** is a true and correct copy of relevant transcript excerpts from the deposition of Plaintiff Jason Yuyi, taken on May 10, 2021 and May 11, 2021.
103. Attached hereto as **Exhibit 102** is a true and correct copy of relevant transcript excerpts from the deposition of Defendants' expert, William Kennedy, taken on May 27, 2021.
104. Attached hereto as **Exhibit 103** is a true and correct copy of the Affidavit of Cathy Yu, dated August 2, 2021.
105. Attached hereto as **Exhibit 104** is a true and correct copy of the Affidavit of Jason Yuyi, dated August 2, 2021.
106. Attached hereto as **Exhibit 105** is a true and correct copy of the Affidavit of Jade Cheng, dated August 2, 2021.
107. Attached hereto as **Exhibit 106** is a true and correct copy of the Affidavit of Alexander Styller, dated August 2, 2021.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: August 2, 2021

Respectfully submitted,

/s/ Luke Nikas

Luke Nikas

Quinn Emanuel Urquhart & Sullivan, LLP

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Counsel to Plaintiffs

CERTIFICATE OF SERVICE

I, Luke Nikas, Attorney for Plaintiffs, hereby certify that the foregoing document was filed using the ECF system and electronic notice will be sent to registered participants as indicated on the Notice of Electronic Filing.

/s/ Luke Nikas
Luke Nikas